

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
355 Main Street  
Poughkeepsie, NY 12601**

---

IN RE: James Frederick Fortini

CASE NO.: 11-36645-cgm

Social Security/Taxpayer ID/Employer ID/Other Nos.: CHAPTER: 7  
xxx-xx-2717

---

**DISCHARGE OF DEBTOR  
ORDER OF FINAL DECREE**

A petition under chapter 7 of title 11, United States Code was filed by or against the Debtor(s) on 6/6/11 ; an order for relief was entered under chapter 7; no order denying a discharge has been granted. The Debtor's estate has been fully administered.

**IT IS ORDERED THAT:**

1. The Debtor is released from all dischargeable debts.
2. Any judgment not obtained in this court is null and void as to the personal liability of the Debtor(s) regarding the following:
  - (a) debts dischargeable under 11 U.S.C. § 523(a);
  - (b) debts alleged to be excepted from discharge under 11 U.S.C. § 523(a)(2),(4),(6) or (15) unless determined by this court to be nondischargeable;
  - (c) debts determined by this court to be discharged.
3. All creditors whose debts are discharged by this order or whose judgments are declared null and void in 2 above, are enjoined from instituting or continuing any action, employing any process or engaging in any act to collect such debts as personal liabilities of the Debtor(s).
4. Mark S. Tulis is discharged as the Trustee of the Debtor's estate and the bond is cancelled. The chapter 7 case of the Debtor(s) is closed.

Dated: 8/31/11

Cecelia G. Morris, Bankruptcy Judge

**EXPLANATION OF BANKRUPTCY DISCHARGE  
IN A CHAPTER 7 CASE**

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

**Collection of Discharged Debts Prohibited**

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property:]* [There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

**Debts That are Discharged**

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

**Debts that are Not Discharged.**

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts that are in the nature of alimony, maintenance, or support;
- c. Debts for most student loans;
- d. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- e. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle while intoxicated;
- f. Some debts which were not properly listed by the debtor;
- g. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- h. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts.

**This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.**

**Certificate of Service Pg 3 of 3**  
 United States Bankruptcy Court  
 Southern District of New York

In re:  
 James Frederick Fortini  
 Debtor

Case No. 11-36645-cgm  
 Chapter 7

**CERTIFICATE OF NOTICE**

District/off: 0208-4

User: jlachappe  
 Form ID: 155

Page 1 of 1  
 Total Noticed: 17

Date Rcvd: Aug 31, 2011

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 02, 2011.

db +James Frederick Fortini, 533 Grand Avenue, Newburgh, NY 12550-1928  
 smg +N.Y. State Unemployment Insurance Fund, P.O. Box 551, Albany, NY 12201-0551  
 smg United States Attorney, One St. Andrews Plaza, Claims Unit - Room 417,  
 New York, NY 10007-1701  
 5561497 +DAVID K. HARRIS, C/O BRENT HENDRIX, 1909 E. BENNETT STREET, SPRINGFIELD, MO 65804-1447  
 5561500 +JANICE SUE ELLIS-MCCAIN, 1640 EAST ST. LOUIS STREET, SPRINGFIELD, MO 65802-3130  
 5561501 +JASON KREBS, ESQ., THE KREBS LAW FIRM, LLC, 1360 EAST BRADFORD PKWY,  
 SPRINGFIELD, MO 65804-4376  
 5561503 ROBERT W. LOEHMAN, LOEHMAN REALTY, LLC, 601 A. ESAT WELLS, ASH GROVE, MO 65604

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. ust  
 +E-mail/Text: ustpreion02.pk.ecf@usdoj.gov Aug 31 2011 19:26:54 United States Trustee,  
 74 Chapel Street, Albany, NY 12207-2190

5570573 +EDI: ATLASACQU.COM Aug 31 2011 19:28:00 Atlas Acquisitions LLC, 294 Union St.,  
 Hackensack, NJ 07601-4303  
 5561492 EDI: BANKAMER.COM Aug 31 2011 19:28:00 BANK OF AMERICA, P.O. BOX 15019,  
 WILMINGTON, DE 19886-5019  
 5561493 EDI: CAPITALONE.COM Aug 31 2011 19:28:00 CAPITAL ONE BANK, P.O. BOX 71083,  
 CHARLOTTE, NC 28272-1083  
 5561494 EDI: CHASE.COM Aug 31 2011 19:28:00 CARDMEMBER SERVICES, P. O. BOX 15153,  
 WILMINGTON, DE 19886-5153  
 5561496 EDI: CITICORP.COM Aug 31 2011 19:28:00 CITI CARDS, P.O. BOX 182564,  
 COLUMBUS, OH 43218-2564  
 5561498 EDI: DISCOVER.COM Aug 31 2011 19:28:00 DISCOVER CARD, P.O. BOX 71084,  
 CHARLOTTE, NC 28272-1084  
 5561499 EDI: RMSC.COM Aug 31 2011 19:28:00 GE MONEY BANK, P.O. BOX 960061, ORLANDO, FL 32896-0061  
 5561502 +EDI: RESURGENT.COM Aug 31 2011 19:28:00 LVNV FUNDING, LLC, P.O. BOX 10497,  
 GREENVILLE, SC 29603-0497  
 5561504 +EDI: SEARS.COM Aug 31 2011 19:28:00 SEARS CREDIT CARDS, P.O. BOX 183082,  
 COLUMBUS, OH 43218-3082

TOTAL: 10

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 02, 2011

Signature:

